

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

2019 SEP -6 AM 10:23

BROC T. WALTERMEYER,  
Plaintiff

Civil No. 19-cv-233-LM

V.

ROBERT HAZLEWOOD, WARDEN, et al.,  
Defendants

SECOND AMENDED COMPLAINT

1. Plaintiff BROC T. WALTERMEYER, acting pro se, brings this Second Amended Complaint in the United States District Court for the District of New Hampshire against the named Defendants in the Amended Complaint and JOHN DOES And JANE DOES 1-30 pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), for medical malpractice, etc., in violation of his Eighth Amendment right to be free of cruel and unusual punishment.
2. At distinct points in time Defendants became aware of Plaintiff's several medical diagnosis, one of which was previously terminal, and being in Defendants custody and care at those distinct points in time was not provided with proper medical care and/or was outright refused treatment for his several medical diagnosis resulting in permanent physical damage and mental, emotional, and psychological pain and suffering as well.
3. In 2003 while incarcerated at Sandstone Minnesota federal prison facility Plaintiff was diagnosed with Hepatitis C. In or around the year 2006 while incarcerated at Springfield Missouri federal medical facility Plaintiff was advised by a JOHN DOE Defendant that as a result

of his Hepatitis C diagnosis he would not live past the age of 50 as the disease was not curable at the time. In spite of having personal encounters (medical or otherwise) with Defendants, including JOHN DOE and JANE DOE Defendants whom are currently unknown to Plaintiff as a result of Plaintiff being in transit and without his property which contains his medical records or being wholly without portions of his medical records in the possession, custody, or control of Defendants, in which Defendants were afforded the opportunity to assess the extent of Plaintiff's diagnosis of Hepatitis C, Defendants failed to provide Plaintiff with proper medical care and/or was outright denied him treatment for his diagnosis of Hepatitis C over the the course of 15 years resulting in, among other things, memory loss, deteriorating stomach, aching and weakened joints, and constant fatigue.

4. Around about the year 2016 while incarcerated in a prison facility of the Federal Bureau of Prisons (FBOP) Plaintiff was diagnosed with lipoma on his left shoulder. In spite of having personal encounters (medical or otherwise) with Defendants, including JOHN DOE and JANE DOE Defendants whom are currently unknown to Plaintiff as a result of Plaintiff being in transit and without his property which contains his medical records or being wholly without portions of his medical records in the possession, custody, or control of Defendants, in which Defendants were afforded the opportunity to assess the extent of Plaintiff's diagnosis of lipoma, Defendants failed to provide Plaintiff with proper medical care and/or outright denied him the needed surgery for his diagnosis of lipoma for approximately 3 years resulting in, among other things, an exceedingly enlarged lipoma on his left shoulder which has caused limited movement to that portion of his body and disrupted sleep.

5. Over the course of an undetermined amount of years Plaintiff has been

making complaints to several Defendants regarding the pain in his knees. Around about the year 2019 while incarcerated at Berlin federal prison facility Plaintiff was diagnosed with Bone Degenerative Disease by Dr. Kissler. In spite of having personal encounters (medical or otherwise) with Defendants, including JOHN DOE and JANE ROE Defendants whom are currently unknown to Plaintiff as a result of Plaintiff being in transit and without his property which contains his medical records or being wholly without portions of his medical records in the possession, custody, or control of Defendants, in which Defendants were afforded the opportunity to assess the extent of Plaintiff's diagnosis of Bone Degenerative Disease, Defendants failed to provide Plaintiff with proper medical care and/or outright denied him treatment for his complaints of the pain in his knees over the course of an undetermined amount of years resulting in an extended time of excruciating pain, very limited movement in the knee area, a need for steroids to be injected into his knees every 5 to 6 months and permanent physical damage requiring knee replacements.

6. As a result of Defendants' deliberate indifference to Plaintiff's medical needs Plaintiff's health has tremendously deteriorated and he has been reduced to a constant state of mental, emotional, and psychological turmoil at the thought of his physical ailments.

WHEREFORE Plaintiff demands a sum certain of \$120,000,000.00.

#### CERTIFICATE OF AUTHENTICATION

I, Broc T. Waltermeyer, certify under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct based on information and direct knowledge. 28 U.S.C. §1746.

Ben T. Waltermeyer

Dated: 9-3-19

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

BROO T. WALTERMEYER,  
Plaintiff

Civil No. 19-cv-233-LM

V.

ROBERT HAZLEWOOD, WARDEN, DIANE L.  
KISLER, HEALTH SERVICES DOCTOR, JOHN  
DOES and JANE DOES 1-30,  
Defendants

CERTIFICATE OF SERVICE

I, Broo T. Waltermeyer certify that on September 3, 2019 a copy of the attached Motion to Amend the Amended Complaint Pursuant to Rule 15(c)(1) and the Second Amended Complaint was served by United States mail on T. David Plourde, Assistant U.S. Attorney, U.S. Attorney's Office, 53 Pleasant Street, 4th floor, Concord, NH 03301.

Dated: 9-3-19

By: Broo T. Waltermeyer  
BROO T. WALTERMEYER, pro se

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